



EXECUTIVE SUMMARY

Draft Recommendations

California Blue Ribbon Commission on Children in Foster Care

March 14, 2008

The Role of the Courts in Improving the Lives of Children and Families

“When I was 12 years old—in a court hearing I was not invited to, and that I did not even know about—a decision was made that I was not appropriate for a foster family but needed to be in group homes. That decision was made in only a few minutes, with most of the people in the room having never met me, not knowing my hopes and dreams, only knowing one or two of the facts that represented 1 percent of the 100 percent child I was.”

— Jennifer Rodriquez, staff attorney, Youth Law Center;
former commissioner, Blue Ribbon Commission

The courts and child welfare agencies share “parental” responsibility for nearly 80,000 children in foster care in California, more than any other state in the nation. Fifty percent of these children are in care for two years or more, 17 percent of them for more than three years. These children too often find themselves in foster-care limbo, shifted from placement to placement, separated from siblings, friends, and schools.

To many, the courts are the unseen partners in the lives of foster children, yet every child and parent in the system knows it is in the courts where life-changing decisions are made—where a child will live and with whom, when and if a family can be reunited.

The State of the Courts

California’s dependency courts are overstressed and underresourced, burdened by crowded dockets and inadequate information. For example:

- Fewer than 150 full-time and part-time judicial officers preside over the entire dependency court system.
- Full-time dependency court judges carry an average caseload of 1,000, which directly affected the amount of time and attention given to any one case.
- Dependency court attorneys, who represent children and parents in court, have an average caseload of 273, which far exceeds the recommended caseload standard of 188 recently adopted by the Judicial Council.
- Children and parents sometimes do not meet their attorneys until moments before their hearings, which not only limits their opportunity to speak in court, but means attorneys often have inadequate information about a child’s life.
- The median time for a hearing is only 10–15 minutes, far less than the recommended 30–60 minutes.

- Judges are often assigned to juvenile court for short rotations, discouraging development of the field as a preferred career.
- Families are often involved with more than one system, yet the courts and other agencies do not easily share data or information.

Creation of the California Blue Ribbon Commission on Children in Foster Care

With these problems in mind—and with the goal of better serving children and families in the foster-care system—California Chief Justice Ronald M. George appointed a high-level, statewide panel in March 2006 to make recommendations to the Judicial Council, the policy body for the California court system.

The commission's charge was to develop politically viable and fiscally responsible recommendations focused on outcomes related to safety, permanency, well-being, and fairness for children and their families. In doing so, the commission joined forces with legislative and executive branches and philanthropic organizations that are building momentum for child welfare reform.

The California Blue Ribbon Commission on Children in Foster Care is a first for the state focusing on the courts' leadership role in child welfare. Its members know the system well. They are judges and attorneys, legislators and child welfare directors, community leaders and academics, tribal leaders and philanthropists, foster youth, caregivers, and child advocates.

Draft Recommendations for Change

The Blue Ribbon Commission issued draft recommendations for public comment on March 14, 2008. The commission will take comments until May 13, after which it will finalize the recommendations for consideration by the Judicial Council in August.

The bottom line of the commission's work over the last two years has been a commitment to the principle that *all* children deserve safe, nurturing, and permanent homes. Within that framework, the commission's proposals were guided by a set of values and beliefs that included:

- The need for timely court decisions to ensure quick reunification whenever possible and to deliver appropriate services to children and families;
- The importance of collaboration between the courts and the other agencies in child welfare that serve vulnerable families and children;
- Increased accountability on the part of the courts and their partner agencies.
- The opportunity for parents, caretakers, and children to have their voices heard in court; and
- The availability of adequate and flexible funding, even in the midst of tight fiscal times.

The commission's recommendations focus on four areas:

1. Efforts to prevent removal and achieve permanency
2. Court reforms

3. Collaboration
4. Resources and funding

Highlights of the recommendations include the following:

Child abuse prevention and services funding

The Judicial Council should work with state and federal leaders to allow greater flexibility in the use of funds for prevention and to eliminate barriers to coordinating funds for prevention and services.

Prioritizing foster care

All agencies and the courts should make children in foster care and their families a top priority when providing services and when allocating and administering public and private resources.

Caseloads

The Judicial Council should advocate reasonable judicial, attorney, and social worker caseloads.

Data and information

The Judicial Council should support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council should implement court performance measures to improve foster-care outcomes as mandated by state law.

Disproportionality

The courts and child welfare agencies should examine and address why a disproportionate number of African-American and Native American children are in the child welfare system.

Kinship

Child welfare agencies should engage family members earlier and the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.

Indian child welfare

The courts, child welfare, and other agencies should collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.

Extended support for transitioning youth

The Judicial Council should urge Congress and the state Legislature to extend the age for children to receive foster-care assistance from 18 to 21.

A voice in court

The courts should ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present and heard in court. CASA programs should be available in all counties.

Local commissions

The courts and child welfare agencies should jointly convene multidisciplinary commissions at the county level to identify and resolve local concerns and to help implement commission recommendations and related reforms.

The commission invites all interested parties to read the full set of draft recommendations and comment on them. The Blue Ribbon Commission Web site includes the full text of the proposals and an invitation to comment at www.courtinfo.ca.gov/blueribbon.